Military Police Complaints Commission

Commission d'examen des plaintes concernant la police militaire

ADVANCING OVERSIGHT

ANNUAL REPORT 2012

Canada

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Letter of Transmission to the Minister

March 31, 2013

The Honourable Peter Gordon MacKay, P.C., M.P.
Minister of National Defence
National Defence Headquarters
MGen George R. Pearkes Building
Ottawa, Ontario K1A 0K2

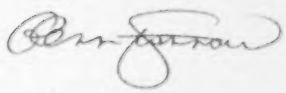
Dear Minister:

In accordance with section 250.17(1) of the *National Defence Act*, it is my duty and privilege to submit for tabling in Parliament the Military Police Complaints Commission's (the Commission) Annual Report for 2012.

In this Annual Report, you will find a detailed discussion of all significant aspects of the Commission's activities during 2012, including summaries of some of its reviews and investigations of complaints.

All of which is respectfully submitted.

Yours truly,



Glenn M. Stannard, O.O.M.

Chairperson

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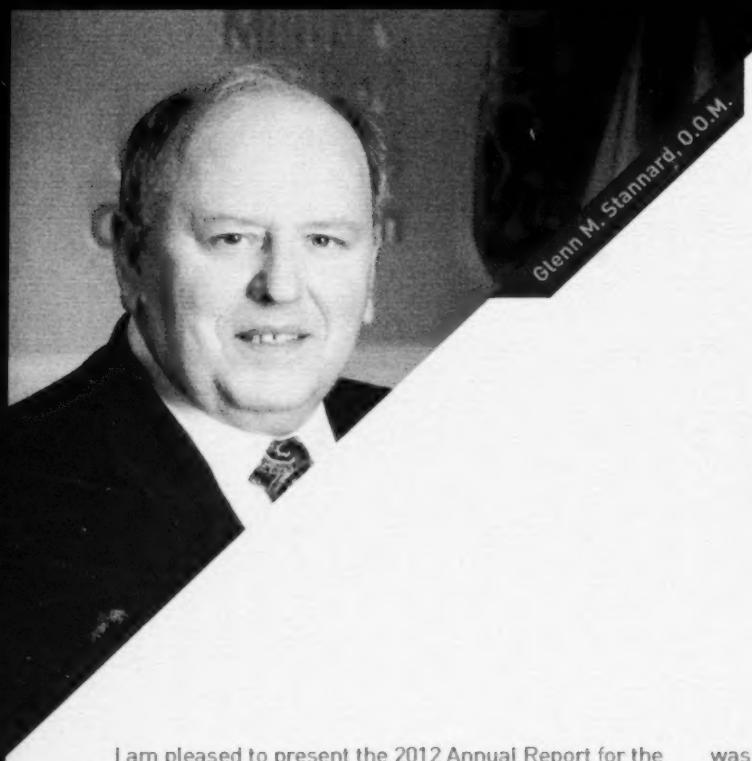


Glenn M. Stannard, O.O.M.

Chairperson's Message

I am pleased to present the 2012 Annual Report for the Military Police Complaints Commission (the Commission) which has as its theme "Advancing Oversight".

This theme is particularly relevant given the Commission's continued positive momentum this year advancing its oversight mandate in the context of an unprecedented operational workload of Public Interest Hearings (PIH), complex and voluminous conduct and interference complaints, and other matters, such as legislative renewal. The Commission also advanced a range of corporate initiatives to support the organization's needs and to meet its increased reporting obligations to government and central agency accountability regimes. These corporate demands are extraordinarily resource and time-intensive undertakings, particularly for a micro-agency such as the Commission.

On June 27, 2012, the Commission released its Final Report concerning the highly complex Afghanistan PIH, related to a complaint by Amnesty International Canada and the British Columbia Civil Liberties Association that certain Military Police (MP) wrongly failed to investigate Canadian Forces Commanders for allegedly ordering the transfer of Afghan detainees to a known risk of torture at the hands of Afghan security forces. This was a challenging and difficult proceeding which spanned four years and involved 40 witnesses, 47 days of hearings and thousands of pages of documentation; the Final Report itself is more than 500 pages. While the Commission found the complaints against the eight individual MP subjects unsubstantiated, it made crucial recommendations to address serious procedural problems, to improve the work of policing when MP are deployed on missions and to remove major obstacles experienced by the Commission related to document disclosure and witness access during PIHs. Commission Member Roy Berlinquette, my Co-Panel member for this Hearing, provided invaluable advice and support throughout this entire process.

On March 27, 2012, another PIH was commenced, this time to examine the MP investigations relating to the death of Corporal (Cpl) Stuart Langridge following a complaint filed by his parents, Mr. and Mrs. Fynes. Cpl Langridge committed suicide on March 15, 2008, at Canadian Forces Base/Area Support Unit, Edmonton. The allegations included that: the Canadian Forces National Investigation Services (CFNIS) did not conduct independent investigations into the matter; the investigations were inadequate and biased; and the CFNIS failed to disclose the existence of a suicide note to the

parents. To date, this process has involved 90 witnesses, more than 12,500 pages of transcripts, and 61 hearing days. I have set January 9, 2013, as the date for the presentation of oral closing submissions by the Parties.

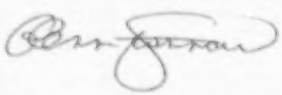
On June 8, 2012, the Report of the Second Independent Review of the *National Defence Act* (C-25), chaired by the Honourable Patrick J. LeSage, was released. The Commission had put considerable time and effort into its June 2011 submissions to the Independent Review Authority (the full text of these submissions is available on the Commission's website). While gratified to note the LeSage Report adopted some of our proposals, the Commission was surprised and disappointed a number of its most vital proposals for legislative improvement were either misconstrued or simply not addressed. The Commission remains firmly convinced it requires stronger legislative authorities of access to relevant information and evidence in order to fully and credibly investigate complaints, and thereby discharge its mandate as Parliament envisioned and as the public rightly expects. As such, we will continue to pursue our key proposals for legislative change.

Bill C-15, *Strengthening Military Justice in the Defence of Canada Act* was tabled in the House of Commons on October 7, 2011, and received second reading and referral to Committee on December 12, 2012. The Commission expressed concerns regarding a specific provision of the Bill which proposed to authorize the Vice Chief of Defence Staff to direct the Canadian Forces Provost Marshal in respect of the conduct of individual MP investigations.

Again this year, I must pay tribute to the tremendous contributions of all Commission staff members. They are the epitome of Commission values such as integrity, dedication and professionalism, and they have consistently demonstrated a spirit of mutual respect, cooperation and collaboration. Throughout the year, we have continued to recognize their valuable contributions and I am justly proud of everyone's efforts to maintain a positive working environment, even in the face of unparalleled workload.

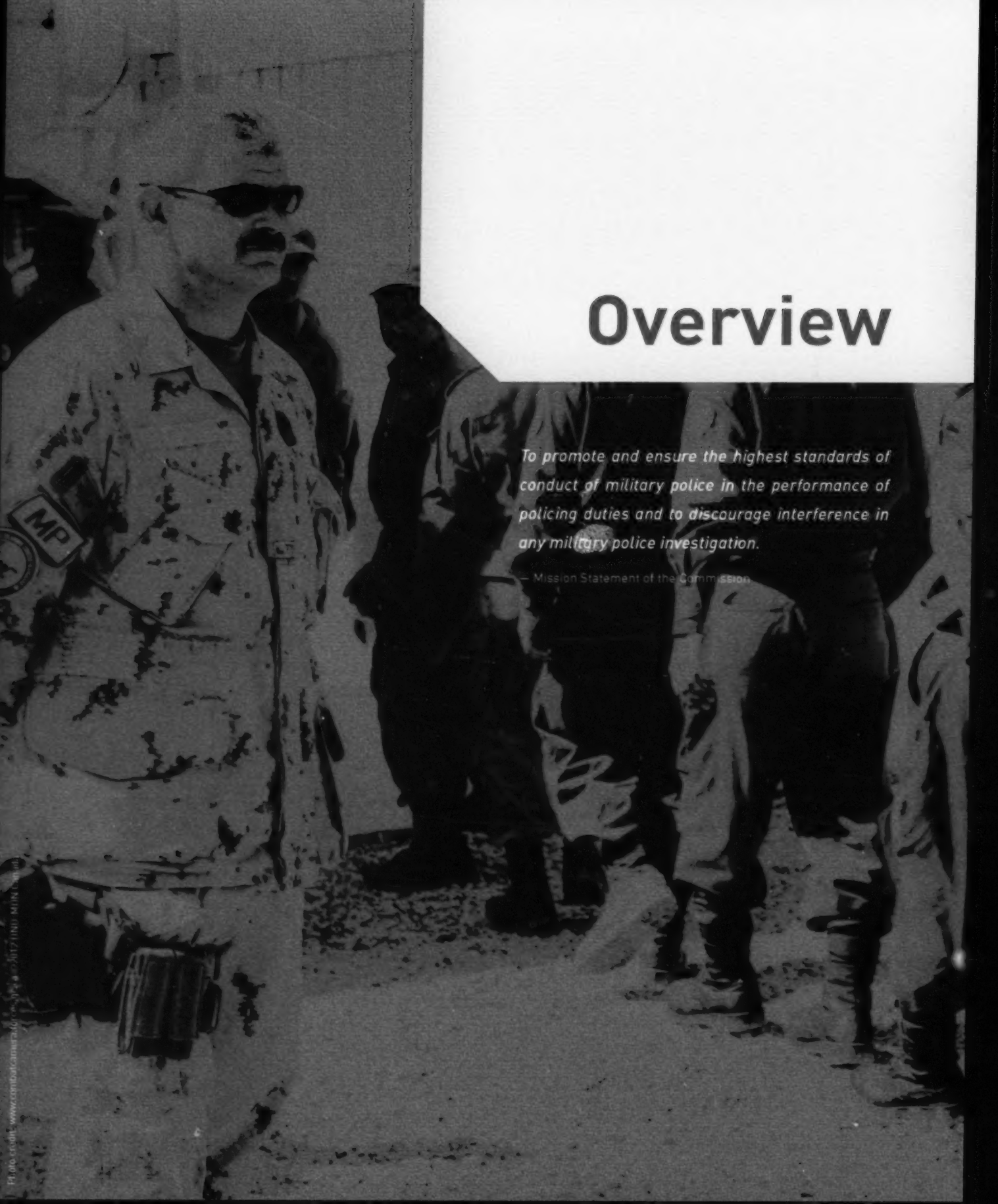
The knowledge and expert contributions of Commission Members Roy Berlinquette, Steven Chabot and Hugh Muir have assisted the Commission to meet its important oversight mandate, as has their worthwhile participation in our Outreach Program which included visits with MP members at seven Canadian Forces bases and Military Family Resource Centres across Canada.

In closing, I remain committed to advancing the important work of the Commission to provide civilian oversight of Canada's MP in a manner that continues to be effective, efficient, and fair to all concerned.



Glenn M. Stannard, O.O.M.

Chairperson



Overview

To promote and ensure the highest standards of conduct of military police in the performance of policing duties and to discourage interference in any military police investigation.

— Mission Statement of the Commission

PART 1

I) MILITARY POLICE COMPLAINTS COMMISSION

The Military Police Complaints Commission (the Commission) was established by the Government of Canada to provide independent civilian oversight of the Canadian Forces Military Police, effective December 1, 1999. This was achieved through an amendment to the *National Defence Act* (NDA), creating a new Part IV which sets out the mandate of the Commission and how complaints are to be handled. As stated in Issue Paper No. 8, which accompanied the Bill that created the Commission, its role is "to provide for greater public accountability by the military police and the chain of command in relation to military police investigations."

II) MANDATE AND MISSION

Mandate: The Commission reviews and investigates complaints concerning Military Police (MP) conduct and investigates allegations of interference in MP investigations. It reports its findings and makes recommendations directly to the MP and National Defence leadership.

Mission: To promote and ensure the highest standards of conduct of MP in the performance of policing duties and to discourage interference in any MP investigation.

The Commission fulfills its mandate and mission by exercising the following responsibilities:

- Monitoring investigations by the Canadian Forces Provost Marshal (CFPM) of MP conduct complaints;
- Reviewing the disposition of those complaints at the request of the complainant;
- Investigating complaints of interference; and,
- Conducting public interest investigations and hearings.

Photo credit: Michael Tancsy

(III) ORGANIZATIONAL BACKGROUND

The Commission is one of 14 organizations in the Defence Portfolio. While it reports to Parliament through the Minister of National Defence (MND), the Commission is both administratively and legally independent from the Department of National Defence (DND) and the Canadian Forces (CF). The Commission is not subject to direction from the MND in respect of its operational mandate.

The Commission is an independent Federal government institution as defined under Schedule I.1 of the *Financial Administration Act* (FAA). As an independent oversight agency, the Commission must operate at a distance and with a degree of autonomy from government, including the DND and the CF. All members of the Commission are civilians and are independent of the DND and the CF in fulfilling their responsibilities and accountabilities in accordance with governing legislation, regulations and policies.

Tribunal decisions and Commission operations and administration must also be, and be seen to be, free from ministerial influence, other than seeking the signature of the MND, as the Minister responsible to table the Commission's Reports on Plans and Priorities; Departmental Performance Reports; Annual Reports to Parliament; and other accountability documents such as Memoranda to Cabinet and Treasury Board Submissions.

Designated as Chief Executive Officer (CEO) of the Commission, the Chairperson is accountable for all Commission activities and for the achievement of results. Based on the Terms and Conditions of Employment for Full-Time Governor in Council (GIC) Appointees, the Chairperson has been designated as CEO, statutory deputy head or "Deputy Head" as defined by the FAA and as designated through the GIC.

As Deputy Head, the Chairperson is accountable to Parliament for fulfilling management responsibilities, including financial management. This includes accountability for: allocating resources to deliver Commission programs and services in compliance with governing legislation, regulations and policies; exercising authority delegated by the Public Service Commission for human resources; maintaining effective systems of internal controls; signing accounts in a manner that accurately reflects the financial position of the Commission; and exercising any and all other duties prescribed by legislation, regulations or policies relating to the administration of the Commission.

IV) THE CANADIAN FORCES PROVOST MARSHAL AND THE DEPUTY COMMANDER, CANADIAN FORCES MILITARY POLICE GROUP/PROFESSIONAL STANDARDS

On April 1, 2011, the CFPM assumed full command of all MP members who are directly involved in policing. The CFPM also assigns MP elements to other supported commanders under operational command.

The Deputy Commander, Canadian Forces Military Police Group manages public complaints and internal MP misconduct investigations and ensures adherence to the *Military Police Professional Code of Conduct*.

The CFPM is responsible for dealing with complaints about MP conduct in the first instance. The Commission has the authority to monitor the steps taken by the CFPM as it responds to complaints, and to conduct its own reviews and investigations, as required. The Commission has the exclusive authority to deal with interference complaints.

Commission recommendations for improvements, contained in its Interim and Final Reports, are not binding on the CF and the DND. However, they do provide the opportunity to further enhance transparency and accountability.

Detailed information on the conduct and interference complaints processes is contained in later sections of this report.

V) THE MILITARY POLICE

The Canadian Forces Military Police Branch was formed in 1968 with the unification of the CF. MP members were allocated to the Army, Navy and Air Force. The stated Mission of the CF MP is to contribute to the effectiveness and readiness of the CF and the DND through the provision of professional police, security and operational support services worldwide.

The MP Branch is comprised of 2,000 plus personnel: 650 reservists and 1,400 sworn, credentialed members (officers and non-commissioned members), i.e. those members who are entitled to be in possession of an MP badge and identification card and thus peace officers by virtue of the *Queen's Regulations and Orders* for the Canadian Forces article 22.02, NDA s. 156 and *Criminal Code* s. 2.

The MP exercise jurisdiction within the CF over both the DND employees and civilians on the DND property. The MP form an integral part of the military justice system in much the same way as civilian police act within the civilian criminal justice system. MP routinely train and work with their civilian counterparts in the provision of police and security services to the CF and the DND.

Members of the MP are granted certain powers under the NDA in order to fulfill their policing duties. For example, MP have the power to arrest, detain and search. The *Criminal Code* recognizes members of the MP as peace officers. They can make arrests and lay charges for offences pursuant to the NDA and the *Criminal Code*, and lay charges in civilian criminal courts.

VII) CONDUCT COMPLAINTS PROCESS

Conduct Complaint Filed

Anyone may make a conduct complaint regarding the MP in the performance of their policing duties or functions, including those individuals not directly affected by the subject matter of the complaint. Such complaints are initially dealt with by the CFPM. Informal resolution is encouraged.

Complaint Investigated by the CFPM

As the CFPM investigates a complaint, the Commission monitors the process. At the conclusion of the investigation the CFPM provides a copy of its final disposition of the complaint to the Commission. The Commission may, at any time during the CFPM investigation, assume responsibility for the investigation or call a public hearing if it is deemed to be in the public interest.

Request for Review

Complainants may request the Commission review the complaint if they are not satisfied with the results of the CFPM's investigation or disposition of the complaint.

Commission Reviews Complaint

At a minimum, this process involves a review of documentation related to the CFPM's investigation. Most often, it also includes interviews with the complainant; the subject of the complaint; and witnesses, as well as reviews of relevant legislation, and military and civilian police policies and procedures.

Commission Releases Interim Report

At the completion of the review, the Chairperson sends the Interim Report to the MND, the Chief of Defence Staff (CDS) and the CFPM setting out the findings and recommendations regarding the complaint.

Notice of Action

The Notice of Action is the official response by the CF to the Interim Report and it outlines what action, if any, has been or will be taken in response to the Commission's recommendations.

Commission Releases Final Report

After considering the Notice of Action, the Commission issues a Final Report of findings and recommendations. The Final Report is provided to the MND, the Deputy Minister (DM), the CDS, the Judge Advocate General (JAG), the CFPM, the complainant and the subject(s) of the complaint, as well as anyone who has satisfied the Commission that they have a substantial and direct interest in the case.

How the Commission carries out its reviews and investigations of conduct complaints

In response to a request from a complainant for a review, the Commission follows the steps described below:

- Commission legal counsel conducts a preliminary review of the request for review and then briefs the Chairperson, who determines how to respond to the request, whether an investigation is required, the scope of the investigation warranted and how to approach the investigation. He may also delegate a Commission Member to handle the file.
- A lead investigator is assigned and, with Commission legal counsel, reviews the evidence and other materials gathered during the CFPM's investigation of the complaint – this could be hundreds of pages of documents, emails, handwritten notes and reports, and many hours of audio and video interviews with witnesses.
- The lead investigator prepares an Investigation Plan, setting out the goals, timelines and budget for the investigation, as well as the lines of inquiry to be pursued, all of which must be approved by the Chairperson or a delegated Member of the Commission.
- The lead investigator and an assisting investigator, in consultation with Commission legal counsel and the Chairperson or the delegated Commission Member, then review any relevant legislation, policies and regulations, arrange and conduct interviews with witnesses, and request additional documentary materials as necessary.
- Following the completion of witness interviews, the investigators submit a comprehensive report on the information gathered during the investigation to the assigned legal counsel for review. The report is then submitted to the Chairperson or the delegated Commission Member.
- Subject to any necessary further inquiries, the Chairperson or the delegated Commission Member reviews the results of the investigation and determines his findings and recommendations about the complaint. On the basis of these findings and recommendations, the Chairperson or the delegated Commission Member prepares the Commission's Interim Report. The Interim Report goes to the MND, the CDS and the CFPM.
- Following receipt and consideration of the official response to the Commission's Interim Report, which is ordinarily provided by the CFPM in a Notice of Action, the Commission then prepares and issues its Final Report, which goes to the relevant departmental officials, and also to the complainant and the subject member(s) of the MP.

VII) INTERFERENCE COMPLAINTS PROCESS

Interference Complaint Filed

Any member(s) of the MP who conduct or supervise investigations and believe a member of the CF or a senior official of the DND has interfered with, or attempted to influence, a MP investigation may file a complaint with the Commission.

Commission Investigates

The Commission has sole jurisdiction to investigate interference complaints. A preliminary review is conducted to determine whether an investigation should be commenced, the scope of the investigation and how to approach the investigation. Once this is completed, the Commission commences an investigation.

Commission Releases Interim Report

The Interim Report includes a summary of the Commission's investigation, as well as its findings and recommendations. This report goes to the MND; the CDS if the alleged interference was carried out by a member of the military or to the DM if the subject of the complaint is a senior official of the DND; the JAG; and the CFPM.

Notice of Action

This official response to the Interim Report indicates the actions, if any, which have been or will be taken to implement the Commission's recommendations.

Commission Releases Final Report

Taking into account the response in the Notice of Action, the Commission prepares a Final Report of its findings and recommendations in the case. The Final Report is provided to the MND; the DM; the CDS; the JAG; the CFPM; the complainant and the subject(s) of the complaint, as well as anyone who has satisfied the Commission that they have a substantial and direct interest in the case.

VIII) PUBLIC INTEREST INVESTIGATIONS AND HEARINGS

At any time when it is in the public interest, the Chairperson may initiate an investigation into a complaint about police conduct or interference in a police investigation. If warranted, the Chairperson may decide to hold a public hearing. In exercising this statutory discretion, the Chairperson considers a number of factors including, among others:

- Does the complaint involve allegations of serious misconduct?
- Do the issues have the potential to affect confidence in MP or the complaints process?
- Does the complaint involve or raise questions about the integrity of senior military or the DND officials, including senior MP?
- Are the issues involved likely to have a significant impact on MP practices and procedures?
- Are the issues of broader public concern or importance?

EDMONTON JOURNAL

By Brent Wittmeier, edmontonjournal.com September 6, 2011

Public hearing looks into 2008 suicide of soldier at CFB Edmonton

EDMONTON — The independent body that oversees Canada's military police will hold a hearing to look into the investigation of a 2008 suicide at CFB Edmonton.

TIMES COLONIST

By Robert Hiltz, Postmedia News March 26, 2012

Family of dead Canadian soldier hopeful inquiry brings answers

OTTAWA — The family of a soldier found dead in his barracks in 2008 is relieved that a public interest inquiry into the circumstances of his death is going to begin Tuesday — the day after what would have been his 34th birthday.

Sheila and Shaun

OTTAWA CITIZEN

By Chris Cobb, The Ottawa Citizen June 26, 2012

Military watchdog's report on Afghan detainees to be released Wednesday

OTTAWA — A military watchdog releases its awaited report Wednesday on torture and Afg detainees — a hugely controversial issue that threatened to topple the then-minority Conse government

The Military Police Complaints Commission is expected to rule whether Canadian military poli

OTTAWA CITIZEN

By Chris Cobb, Ottawa Citizen October 10, 201

After 62 days and 92 witnesses, Langridge inquiry comes to a close

During Wednesday's testimony, commission lawyer Mark Freiman asked the former head of the NIS whether a defensive 'media blitz' led by Chief of the Defence Staff Walter Natynczyk could have been construed as interference in the NIS investigation. In a 2010 letter to the editor, Natynczyk appr pronounce on the outcome of t they were finish

LE DEVOIR

La Presse canadienne 27 juin 2012, Canada

Détenus afghans : la police militaire est blanchie de l'affaire de torture présumée

Le mandat de la commission était de décider si la police militaire était au courant – ou aurait dû être au courant – des allégations de torture de détenus afghans.

Ottawa — La Commission d'examen des plaintes concernant la police militaire blanchit les agents canadiens dans l'affaire controversée des détenus afghans remis aux autorités pour être ensuite torturés.

Le rapport de la Commission d'examen, attend depuis longtemps, a conclu que les policiers n'at aucune raison d'ouvrir une enquête sur le traiten de présumés talibans après que ceux-ci aient été r aux autorités afghanes par les soldats canadiens à Kandahar.

L'organisme fédéral note cependant que les policier militaires ont été maintenus dans l'ignorance par le commandement outremer des Forces canadiennes qui dirigeait les opérations en Afghanistan.

Commission fait ainsi état de problèmes sérieux chant aux communications, à la reddition de ptes et au partage de l'information au sein de la e militaire. Elle a donc formulé des recomm pour l'amélioration du travail déployés en missi

The Gazette

By Murray Brewster, The Canadian Press June 27, 2012

Defence watchdog clears military police following Afghan detainee controversy

OTTAWA — Canadian military police officers have been cleared of wrongdoing by a commission that

The issue rocked Canadian politics starting in 2007 and threatened to topple Prime Minister Stephen Harper's minority government in late 2009, a fate the Conservatives avoided by shutting down Parliament.

The Year in Review

The "Advancing Oversight" theme is particularly relevant given the Commission's continued positive momentum this year advancing its oversight mandate in the context of an unprecedented operational workload of Public Interest Hearings, complex and voluminous conduct and interference complaints, and other matters, such as legislative renewal.

– Glenn M. Stannard, Commission Chairperson

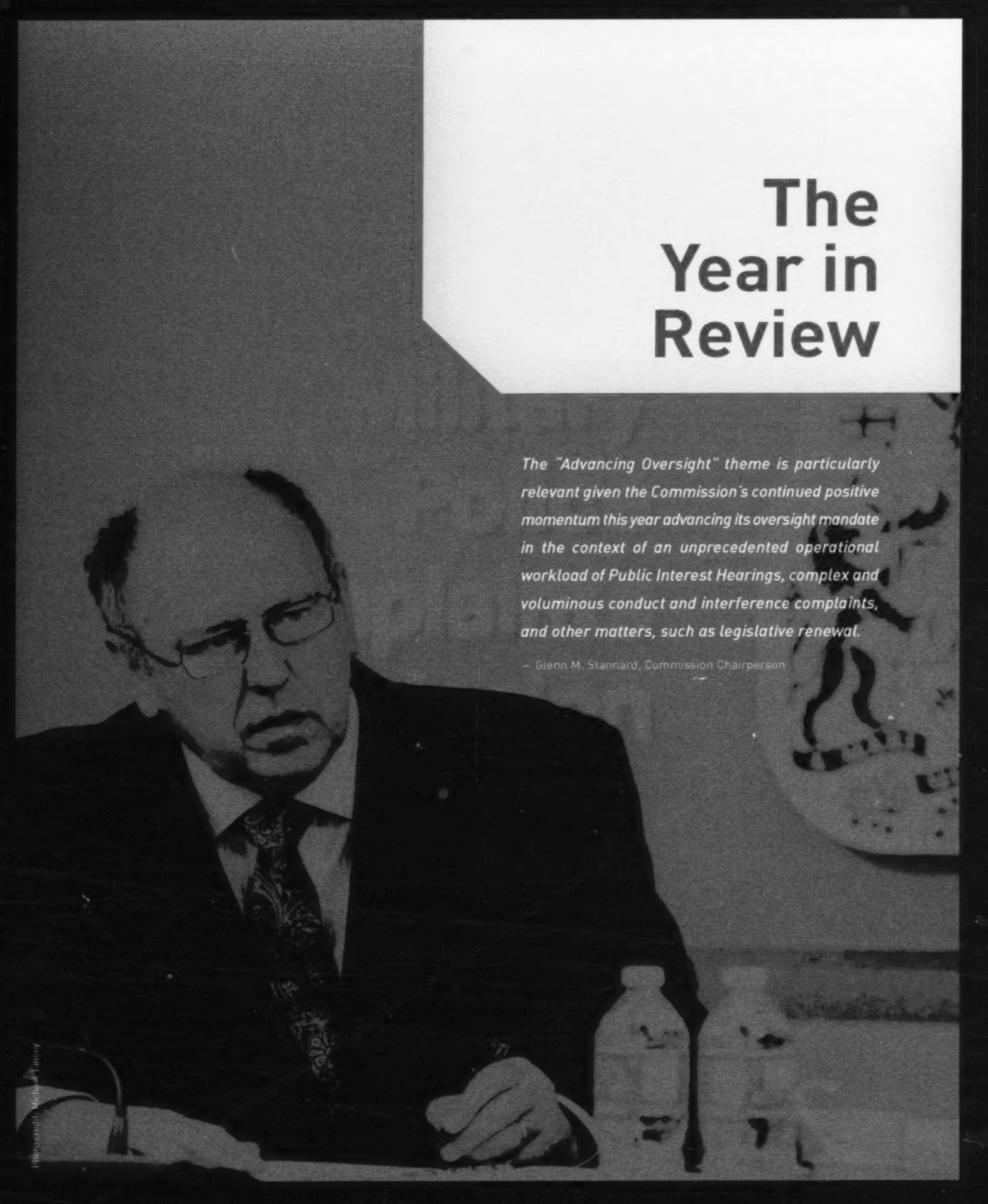


Photo credit: Michael Tansey

PART 2

I) HIGHLIGHTS AND ACCOMPLISHMENTS

The following information provides an overview of the highlights and accomplishments this year.

- On June 27, 2012, the Commission issued its Final Report on the Afghanistan Public Interest Hearing (PIH) examining the "failure to investigate complaint" by Amnesty International Canada (AIC) and the British Columbia Civil Liberties Association (BCCLA) that certain Military Police (MP) wrongly failed to investigate Canadian Forces (CF) Commanders for allegedly ordering the transfer of Afghan detainees to a known risk of torture at the hands of Afghan security forces. The Final Report found the complaints against the MP subjects unsubstantiated. However, it made crucial recommendations to address a range of serious procedural and other problems, and to improve the work of policing when MPs are deployed on missions. It also made recommendations to remove major obstacles experienced by the Commission related to document disclosure and witness access during PIH.
- On March 27, 2012, another PIH was commenced to examine the MP investigation relating to the death of Corporal (Cpl) Stuart Langridge following a complaint filed by his parents, Mr. and Mrs. Fynes. Cpl Langridge committed suicide on March 15, 2008, at Canadian Forces Base/Area Support Unit (CFB/ASU), Edmonton. To date, 90 witnesses have been heard, over a period of 61 days, representing more than 12,500 pages of transcripts. The Chairperson has set a date of January 9, 2013, for the presentation of closing submissions from the Parties.
- The Report of the Second Independent Review of the *National Defence Act* (NDA), conducted by the Honourable Patrick J. LeSage, was released on June 8, 2012. The Commission had previously submitted comprehensive proposals to the Honourable Patrick J. LeSage. The Report made recommendations on a number of these proposals, although major areas of the Commission's concerns were not addressed, particularly those aimed at improving its capacity to address complaints efficiently and credibly.
- Bill C-15, *Strengthening Military Justice in the Defence of Canada Act* was tabled in the House of Commons on October 7, 2011, proposing a number of amendments to the NDA primarily related to the military justice system for the CF. The Bill received second reading and was referred to Committee on December 12, 2012. One provision of the Bill relates to the proposed authority of the Vice Chief of the Defence Staff (VCDS) to direct MP investigations. In its brief to the House of Commons Standing Committee on National Defence, the Commission expressed serious concerns regarding the potential impact of this provision on preserving the independence of MP investigations from interference by the chain of command.
- The Commission handled an unprecedented, heavy workload in 2012 including a new PIH, combined with a number of unusually resource-intensive complaint investigation files and other projects which severely challenged human and financial resources. To assist in addressing this PIH, the Commission sought and obtained approval for additional, multi-year funding from Treasury Board.
- Commission representatives visited seven CF bases across Canada to engage with key audiences about the Commission's mandate and activities and to respond to any questions or concerns about the complaints process. Also, the Commission made presentations to groups of MP members in training sessions at the Canadian Forces Military Police Academy and at the MP Symposium. All presentations were very well-received.
- During 2012, 86% of the Commission's recommendations in its Final Reports were accepted by the Canadian Forces Provost Marshal (CFPM).

II) MONITORING AND INVESTIGATIONS

Overview

The following table highlights the Commission's statistics on a four-year comparative basis from 2009 to 2012. The table cannot fully reflect the increased complexity and scope of the complaints and other voluminous files handled by the Commission, nor the difficulty predicting when such matters will be referred for investigative review. More and more, these matters involve thousands of pages of evidence and scheduling and interviewing multiple witnesses, in Canada and abroad. As a result, this extends the duration of investigations and the length of time required to consult on and write Interim and Final Reports. This in turn contributes significantly to increased costs.

STATISTICS FROM 2009-2012

	2009	2010	2011	2012
Conduct Complaints Carried Over	14	13	22	28
New Conduct Complaints *	43	43	45	51
Interference Complaints Carried Over	0	1	0	3
New Interference Complaints	1	1	8	2
Reviews Carried Over	11	5	5	10
New Reviews	6	6	9	8
s.250.38 Public Interest Investigations/Hearings Carried Over	5	1	1	2
New s.250.38 Public Interest Investigations/Hearings	0	0	1	0
Judicial Proceedings Carried Over (e.g. Judicial Review) **	1	1	1	0
New Judicial Proceedings (e.g. Judicial Review)	3	4	0	0
No. of General Files Open (Request for information and other)	36	45	45	59
New Files Opened	**89**	**99**	**108**	**120**
Total No. of Files Dealt in the Year	**120**	**120**	**137**	**163**
No. of Decisions/Rulings Issued	8	8	5	8
No. of Interim Reports	8	5	10	7
No. of Final Reports ***	17	12	9	14
No. of Recommendations on Final Reports	23	4	11	14
Percentage of Recommendations Accepted	100%	100%	100%	86% ****
No. of Reports/Decisions/Rulings Issued	**33**	**25**	**24**	**29**

* Includes no jurisdiction complaints.
** Judicial Review is the process under which the legality of actions of tribunals can be reviewed by the Federal Court.
*** Includes Concluding Reports and no jurisdiction letters.
**** This represents two recommendations which were not accepted.

No jurisdiction means that conduct or interference complaints examined by the Commission include elements over which the Commission has no legal jurisdiction, e.g. where the subject of a complaint is not a member of the Military Police or the complaint allegation does not constitute a "policing duty or function" as per the Regulations.

III) AFGHANISTAN PUBLIC INTEREST HEARING

On June 27, 2012, the Commission issued its Final Report in response to a complaint by AIC and the BCCLA in June 2008, that certain MP officers wrongly failed to investigate CF Commanders for allegedly ordering the transfer of Afghan detainees to a known risk of torture at the hands of Afghan security forces.

The Commission's investigation and hearing process spanned nearly four years. During this time, it heard testimony from 40 witnesses, including the eight subjects of the complaint, and held 47 days of public hearings from 2008 to 2011. The Commission also reviewed thousands of documents throughout its investigation.

The Commission found the complaints against the eight individual MP subjects were unsubstantiated. However, it identified serious procedural and other problems regarding reporting, accountability and information sharing in the MP, and made crucial recommendations to improve the work of policing when MPs are deployed on missions. The Commission also made two recommendations designed to remove major obstacles experienced by the Commission related to document disclosure and witness access during PIHs.

"MP input into post-transfer detainee issues or the status of the transfer process would have been perceived as unwelcome."

"While the Commission has dismissed the complaint against eight individual senior Military Police officers, we have made a number of recommendations that we believe will improve the quality of policing services delivered by the Military Police," said Commission Chairperson Glenn Stannard in releasing the 535 page report. *"Despite the limitations imposed by its legal mandate, this inquiry was the most exhaustive yet held into the subject of detainee transfers by the CF in Afghanistan,"* he said.

As noted in the report, the Commission's legal mandate did not extend to making findings and recommendations concerning the Government of Canada and Canadian Forces' policy on detainee transfers.

In the course of its investigation, the Commission determined that MP were "marginalized" when it came to discussions and information related to post-transfer issues. Information on detainee abuse, including reports on site visits conducted by the Department of Foreign Affairs and International Trade to Afghan detention facilities, stayed within a small group of people in Afghanistan that excluded the MP. Furthermore, the Commission found that "MP input into post-transfer detainee issues or the status of the transfer process would have been perceived as unwelcome."

Thus, the Commission concluded that, in the circumstances, none of the eight subjects of the complaint could reasonably have been expected to investigate the Task Force commanders while in theatre, or should have caused such an investigation to occur, and that their actions under the circumstances prevailing at the time "met the standards of a reasonable police officer."

The Commission also found significant problems existed relating to the continuity of knowledge, accountability and information sharing within the MP. The Commission recommended the CFPM implement measures and standards to ensure that MP deployed during future conflicts are provided the necessary baseline information so as to be fully educated on potential policing issues stemming from the previous rotation. In its recommendation, the Commission detailed what baseline information should be included.

In the April 3, 2012, Notice of Action responding to the Commission's recommendations in the Interim Report, the Chief of the Defence Staff (CDS) detailed efforts already taken, such as a greater emphasis on training to ensure MP deployed during future conflicts have the necessary baseline information on policing issues, and the significant steps taken to ensure MP command oversight of policing matters in theatre.

The Report also describes largely unnecessary and avoidable major obstacles the Commission experienced related to document production, witness access, parallel court proceedings and claims of national security. The Commission recommended the process sections of its reports be reviewed in detail, with a view to eliminating barriers to efficiently and effectively conducting future public interest hearings and developing a cooperative approach to document production, witness access and national security issues.

Finally, the Commission recommended it be added to the schedule of designated entities as prescribed by section 38.01(8) of the *Canada Evidence Act* (CEA). This would allow the Commission to more effectively and efficiently obtain information relevant to the discharge of its statutory mandate of providing independent oversight of military policing, while at the same time maintaining strict control over such information, the disclosure of which has the potential to negatively affect Canada's national security interests or international relations.

The CDS responded to this recommendation, as follows: "It is within the mandate of the Commission to review, and where warranted in the public interest, investigate complaints regarding the conduct of members of the military police. It is recognized that, in appropriate circumstances, the CEA permits an investigative body to be given access to sensitive or potentially injurious information. This is best determined on a case-by-case basis."

The Commission concluded by reiterating that this case was one which merited the Commission being placed on the schedule and expressed doubts that the response to this recommendation will lead to a viable resolution of the problems identified by the Commission. Assessing the Commission's ability to receive sensitive information on a case-by-case basis with regard to each relevant complaint file is not only inefficient, it undermines the independence and credibility of the Commission's process. No other standing statutory body has been designated under the CEA schedule on a case-specific basis.

IV) FYNES PUBLIC INTEREST HEARING

On March 27, 2012, the Commission launched a PIH relating to three investigations conducted by the Canadian Forces National Investigative Service (CFNIS) following the death of Cpl Stuart Langridge after a complaint by his parents, Mr. and Mrs. Fynes. Cpl Langridge committed suicide at CFB/ASU Edmonton on March 15, 2008. He had served in Bosnia and Afghanistan. His parents maintain he was suffering from depression and post-traumatic stress disorder at the time of his death.

Mr. and Mrs. Fynes filed a complaint with the Commission relating to investigations conducted by the CFNIS following the death of their son making allegations including, among others:

- The CFNIS did not conduct independent investigations into the matter;
- The investigations CFNIS conducted were inadequate and biased;
- The investigations were aimed at exonerating CF members of any responsibility for their failure to prevent Cpl Langridge's death and for the manner in which the Fynes were subsequently treated;
- The CFNIS failed to investigate important issues; and,
- The CFNIS failed to disclose the existence of a suicide note from their son to the Fynes.

The PIH has involved an extremely complex and heavy workload which, to date, has resulted in over 12,500 transcript pages, 61 hearing days and the appearance of 90 witnesses at the Hearing.

On November 1, 2012, the Chairperson, who is presiding over the Hearing issued a decision on a request for an adjournment from the Department of Justice which sets the date of January 9, 2013, as the date for the presentation of closing submissions from the Parties.

V) IMPACT ON MILITARY POLICING – CASE SUMMARIES

In this section of the Annual Report summaries are provided as a sampling of some of the conduct and interference cases completed by the Commission in 2012.

a) Conduct Complaint – MP Response to a Fighting Incident

This complaint arose from a fighting incident outside a junior-ranks' mess in the early hours of the morning, wherein the complainant was knocked unconscious and suffered injuries to his head and elsewhere when he was attacked by one of the main instigators of the violence, a Reserve Force MP. Base MP responded to the incident and initially took some information from witnesses, including the complainant, but determined formal statements should be obtained later, as many of those involved seemed intoxicated. One MP offered the complainant help to obtain medical assistance but he declined and went home.

The complainant awoke feeling unwell, experiencing dizziness and a severe headache. He decided he needed medical treatment, but the base medical centre was closed and he did not know where the nearest civilian hospital was. He drove to the MP detachment and explained the situation to the commissionaire who looked for directions to the hospital on an area map. The commissionaire was concerned the complainant would drive as he believed he might be intoxicated due

to the earlier incident at the junior-ranks' mess. The commissionaire called the MP in charge of the patrol shift who took charge with the intention of finding a way to get the complainant to the hospital.

The MP shift commander decided to administer an alcohol screening device which the complainant passed. However, as the complainant no longer felt well enough to drive himself, he was driven to the hospital by the MP. Consideration was given to transferring the case to the CFNIS because the suspect was an MP; however, since he did not retain his policing credentials at that time, the base MP detachment decided to handle the investigation. During the investigation, the suspect was arrested by MP for assault related to this incident and released on certain conditions.

The complainant's conduct complaint and request for review raised the following allegations against various detachment MP:

- Slow response by the MP to the fighting incident;
- Improper grounds for breath test demand of the complainant;
- Failure to provide complainant timely assistance in obtaining medical treatment or with regular updates as a victim on the progress of the investigation;
- Conduct of an investigation that was inadequate or biased in favour of the suspect due to his MP status; and,
- Failure to have the suspect charged by exercising peace officer jurisdiction over the case or transferring it to the CFNIS.

The Commission determined the complainant's allegations were not substantiated, except for the failure to provide the complainant with regular updates on the investigation, in keeping with his status as a victim. The CFPM had also noted this omission in his professional standards investigation of the complaint.

Although the Commission largely vindicated the conduct of the MP in question, it did make a number of recommendations to improve MP policies and procedures for dealing with similar cases. For example:

- greater clarity should be provided as to which members of MP detachments should be responsible for various duties; and,
- subjects' units should provide timely, formal responses to MP investigation reports to preserve evidence, update victims and for quality control.

The Commission's recommendations were accepted.

b) Conduct Complaint – Discourteous Traffic Stop

This complaint arose from a routine traffic stop in a daycare centre parking lot adjacent to a military base. The MP who was the subject of the complaint was on patrol and pulled over the complainant's vehicle because the front license plate was not properly mounted but rather was lying on the dashboard.

The subject MP's and the complainant's somewhat heated interaction took place in front of children at the daycare, including the complainant's young son. The complainant viewed the subject MP as unduly aggressive, loud and impatient. The subject MP perceived the complainant to be challenging him, repeatedly reverting to French even though he told the complainant he could not understand French, and being uncooperative and disrespectful of his rank and authority. The subject MP suggested his superiors follow-up with the complainant's chain of command, which they did, to informally express concern with the complainant's conduct. The complainant disputed the account of his actions provided by the MP and no action was taken by the complainant's chain of command.

The complainant alleged the subject MP breached the *Military Police Professional Code of Conduct* by: 1) acting in a discourteous manner; and 2) misrepresenting facts in his report of the incident. The complainant also objected to the chain of command having been contacted. In a later request for a review, the complainant suggested there should have been an active offer of service in French by the MP and expressed suspicion at the disappearance of the MP vehicle recording of the traffic stop. The MP patrol car recording was ultimately located following a further search of the MP detachment at the Commission's urging. The Commission concluded the recording's disappearance was inadvertent.

The Commission also concluded that:

- The subject MP's behaviour was influenced by the complainant's manner in dealing with him. Excess loudness was not a deliberate act of discourteousness breaching paragraph 4 (d) of the *Military Police Professional Code of Conduct*;
- Given relevant Department of National Defence (DND) policies and the requirements of federal official languages legislation, there was no requirement for MP at this base to offer services in French, given the lack of reasonable demand for such service; and,
- The complainant's allegations regarding misrepresentation of the event and inappropriately complaining to the chain of command were unsubstantiated.

Subsequently, the MP detachment issued a new *Standard Operating Procedure* on the use and disposition of patrol car recordings. The Commission noted the default retention period of 60 days may not adequately address the requirements of the conduct complaints process, as set out in Part IV of the NDA (wherein a complaint may be made up to one year following an incident). The Commission recommended the CFPM review the relevant MP policies and procedures to ensure the stipulated retention period for MP patrol car recordings meets the requirements of the complaints process. This recommendation was accepted.

c) Conduct Complaint – Removal of a Suspended Employee from a DND Building

This complaint arose from a call for service from management personnel in a DND-controlled building. The caller requested MP to be dispatched to the directorate to provide assistance, if necessary, in connection with the suspension of a directorate employee. Based on the employee's behavioral history, management had concerns there might be a risk of a violent reaction by the employee.

As it turned out, the employee left the workplace without incident. However, the employee was unhappy the MP had even become involved in the event, and felt their involvement in his escort from his place of work caused him unnecessary humiliation. On this basis, the employee filed an MP conduct complaint.

The Commission determined the involvement and conduct of the MP in this matter was appropriate. The MP never interacted with the complainant and only observed rather than escorted the complainant from his workplace. The escort itself was done by a management representative. As the MP were called upon to perform primarily a security function, rather than a law enforcement one, and there was no arrest or detention, they were not required to satisfy any particular legal grounds to support their actions. Moreover, their conduct at the scene was discreet and unobtrusive.

The complainant's allegations were found to be unsubstantiated. The Commission recommended the MP detachment in question proceed with plans to install a recording system for the telephones in the detachment's dispatch centre. This recommendation was accepted.

d) Conduct Complaint – Incident between Minors on a School Bus

This conduct complaint arose from an altercation between two minors (children of CF members) on a school bus traveling from the local town high school to the CFB. As a result, one minor, the son of the complainant, was charged with one count of assault and two counts of uttering death threats. Four months prior to the incident, the complainant had been employed as the acting Officer Commanding (OC) of the base MP detachment.

The complainant's conduct complaint against a MP Cpl alleged:

- the incident occurred outside of MP jurisdiction and should not have been investigated by the MP;
- the MP Cpl charged the minor in order to retaliate for previous actions taken by the complainant against the MP Cpl while the complainant was the acting OC of the base MP detachment; and,
- the MP Cpl failed to properly and fully investigate the incident.

The Commission determined the complainant's allegations were not substantiated, with the exception of the third allegation related to the MP Cpl's investigation, which was partially substantiated because it was lacking in several respects: insufficient note taking, issues concerning the proper seizure and handling of evidence, and the failure to interview witnesses to the altercation. The most notable omission was the failure to attempt to interview the accused minor prior to laying charges.

While the investigation of the incident was lacking in some respects, the MP Cpl did have sufficient grounds on which to proceed with laying *Criminal Code* charges. The assault (i.e. the accused spitting on the victim) is clearly visible on the video surveillance recording of the incident from the school bus.

The Commission also remarked on the lack of supervisory direction given to the MP Cpl in the investigation of the incident and on the inappropriateness of the actions of the MP complainant in conducting his own interviews, with both civilians and MP members.

The Commission recommended the subject MP Cpl be reminded of the importance of detailed note taking and pursuing important investigative avenues. This recommendation was accepted.

e) Conduct Complaint – Domestic Violence Incident

This complaint involved allegations a MP Sergeant (Sgt) in charge of patrols at a detachment failed to arrest or charge a suspect in a domestic violence case in violation of applicable policies and procedures.

The Commission's investigation revealed the MP Sgt in question acted on the basis of the information provided by the investigating corporal, which suggested that any assault was minor. The MP subject also forwarded the information to prosecuting counsel who advised against an arrest and charges in the circumstances. As such, the complaint was not substantiated.

However, the Commission recommended the CFPM ensure MP policies and procedures at the national and local levels appropriately reflect the need to record information exchanges between MP and their legal advisors, which support decisions regarding charges in MP investigative files.

This recommendation was accepted. In doing so, the CFPM noted: "*The Canadian Forces Military Police Group Orders*, which are expected to be promulgated in the next few months, will address the need to record the rationale of decisions in writing in Security and Military Police Information System (SAMPIS) including information exchanges between military police and their legal advisors."

f) Interference Complaint – Removing Civilians from a Break and Enter Crime Scene

This complaint arose from a dispute between the complainant, a MP corporal, and his supervisor, a MP sergeant, regarding the proper approach to processing a break and enter crime scene. In this case, the complainant was dispatched to an on-base residence after cleaning staff had detected a break-in. The complainant and his partner began to conduct their investigation and the complainant asked the cleaners to assist identifying items in the residence which appeared to be missing or otherwise out of place.

When the subject of the complaint arrived to check on the investigators' progress, the subject noted the cleaners were still inside the residence and questioned the complainant. A heated exchange took place between them as to the appropriateness of keeping the cleaners at the crime scene. The subject asked the cleaners to wait outside and ultimately directed the complainant to obtain their names and send them away.

The complainant filed an interference complaint with the Commission about the subject's actions in: 1) impeding his investigation by sending the cleaners away, thus curtailing his attempt to identify missing or out of place items; and 2) allegedly berating him in front of civilian workers. The Commission concluded the complaint was unsubstantiated.

With regard to the alleged berating of the complainant, the Commission's investigation revealed, while a fairly loud and heated exchange did occur between the subject and the complainant, there was some evidence both parties were fairly assertive. In the Commission's view, such behavior is an issue of interpersonal conduct and not one of interference in an investigation.

Finally, the Commission concluded the subject's decision to have the cleaners removed from the crime scene did not constitute improper interference but was reasonable from the standpoint of proper law enforcement procedure. Moreover, there was no evidence the action by the subject was taken in bad faith or for some improper purpose, which, as the Commission has noted in previous interference cases, is required in order to substantiate a complaint of improper interference against an MP with supervisory authority over the investigation in question.

VII) LEGISLATIVE RENEWAL

(a) Second Independent Review of the *National Defence Act* (C-25)

In 2011, the Minister of National Defense (MND) appointed the Honourable Patrick J. LeSage, retired Chief Justice of the Ontario Superior Court, to conduct the Second Independent Review of the NDA.

The review deals not with the entire NDA but only with those changes introduced in Bill C-25 (*Statutes of Canada 1998*, Chapter 35), though these were extensive. Bill C-25 requires the MND to conduct an independent review of the provisions and operation of the Bill every five years, and to table a report of the review in Parliament. The Bill made important amendments to the Act concerning the military justice system, the CF grievance process and created the MP complaints process.

On June 23, 2011, the Commission submitted a comprehensive brief to the Independent Review Authority containing proposals in four areas: the scope of MP oversight; the Commission's access to information; fair and efficient procedures; and MP independence.

On June 8, 2012, the report of the Honourable Patrick J. LeSage was released. In this report, the Honourable Patrick J. LeSage endorsed a few of the Commission's modest procedural proposals, for example:

- a time limit of 90 days for requesting a review by the Commission of a conduct complaint after it has been investigated by the CFPM;
- automatic extension of the term of Commission members in respect of complaint files assigned to them;
- reducing the categories of conduct complaints which are presently excluded from informal resolution under the regulations; and,
- allowing persons seconded to MP positions to make interference complaints.

Unfortunately, the Commission's most vital proposals aimed at improving its capacity to address complaints efficiently and credibly – notably, the need to enhance its authority to obtain relevant information – were effectively not addressed. These proposals related to issues such as: giving the Commission the authority to decide whether or not a complaint about an MP member should be treated as a conduct complaint and subject to the legislated complaints process, including independent oversight by the Commission; and narrowing some of the significant gaps in the Commission's existing authority to gain access to relevant information and evidence.

As these changes are necessary for the Commission to properly discharge the mandate which Parliament has given it, the Commission will continue to pursue them.

The Commission's complete submissions and list of proposals to the Second Independent Review of the NDA are available on the Commission's website.

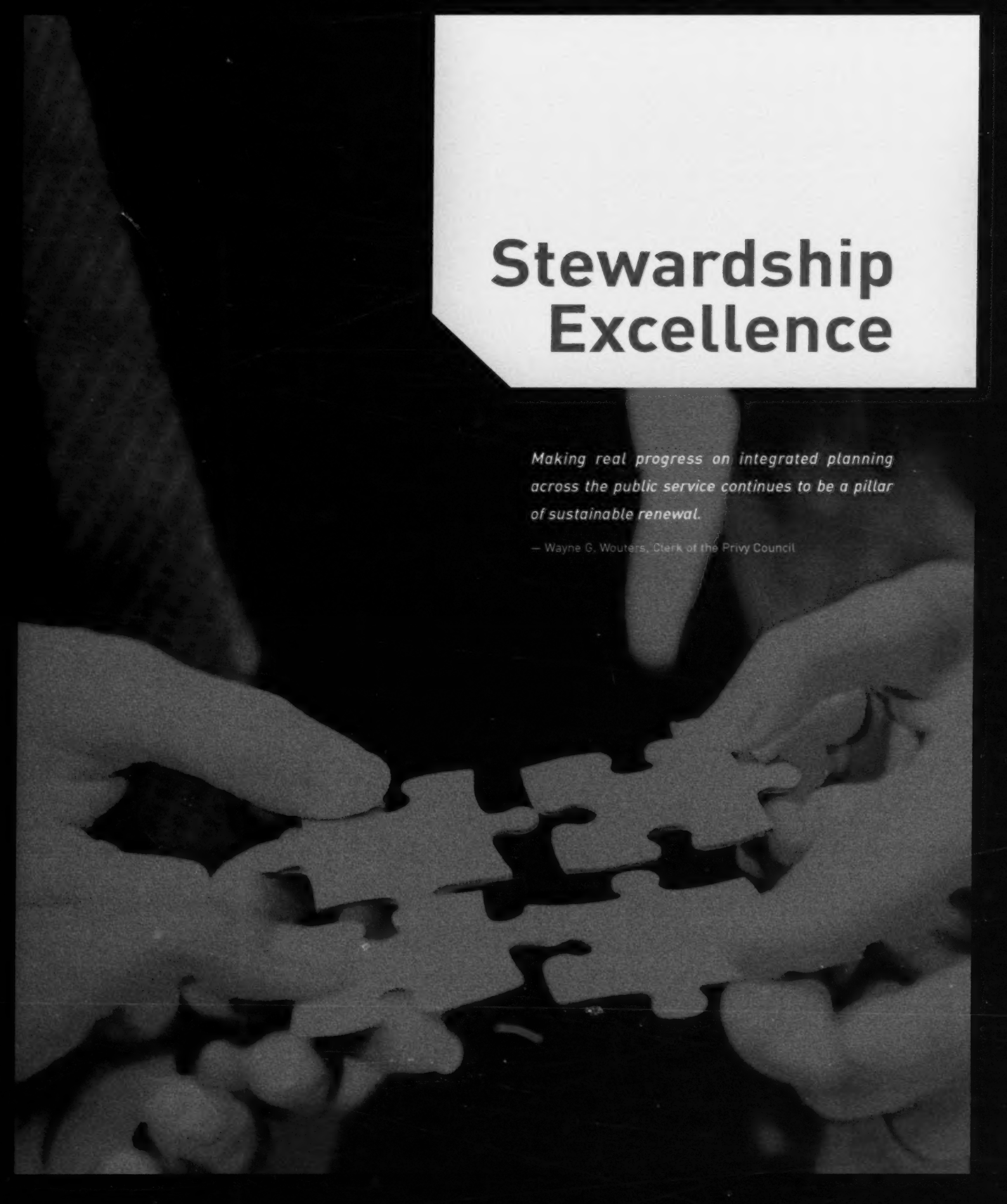
(b) Bill C-15, *Strengthening Military Justice in the Defence of Canada Act*

Bill C-15 was tabled in the House of Commons on October 7, 2011. The Bill received second reading and was referred to Committee on December 12, 2012.

Bill C-15 proposes a number of amendments to the NDA primarily related to the military justice system for the CF. While the Bill does not directly address the jurisdiction or authorities of the Commission, one provision of the Bill of concern to the Commission relates to the proposed authority of the VCDS to direct particular MP investigations: s.18.5 (3) (in Clause 4 of the Bill). The Commission regards this proposal as highly problematic and it submitted a brief on this matter to the House of Commons Standing Committee on National Defence.

This proposed authority would effectively abrogate key provisions of the March 2, 1998, Accountability Framework signed by the VCDS and the CFPM of the day. The purpose of this Framework was to adapt the command relationship of the VCDS and CFPM to ensure the CFPM would retain appropriate independence from the chain of command in the conduct of individual law enforcement investigations.

More recently, the independence and integrity of military policing have been further supported through changes to the MP command structure. Effective April 1, 2011, all MP members – in the performance of their policing duties – are under the command of the CFPM. The proposed authority for the VCDS in subsection 18.5 (3) (in Clause 4 of the Bill) is thus out of step with efforts over the past 15 to 20 years to recognize and support the independence of the MP within the CF, particularly when conducting law enforcement investigations. Perhaps more importantly, the authority in question runs counter to Canadian law and practice regarding the independence of police investigations generally.



Stewardship Excellence

Making real progress on integrated planning across the public service continues to be a pillar of sustainable renewal.

— Wayne G. Wouters, Clerk of the Privy Council

I) INTEGRATED PLANNING

The Commission has strenghened its planning regime which integrates finance, human resources (HR), risk management, investment planning, security, information technology (IT), information management (IM), and greening strategies, plans and initiatives to facilitate planning, decision making and prudent resource management.

The following sections describe the Commission's stewardship towards integrating strategic, operational and investment plans.

II) INTEGRATED FINANCIAL MANAGEMENT

In 2012, the Commission continued to demonstrate sound management of its financial resources. It effectively planned, managed and controlled its budget and expenditures to meet operational requirements, as well as to meet legislative and increased central agency requirements including timely, accurate external financial reporting. Throughout 2012, regular financial updates were provided to the Executive Committee and central agencies to reinforce rigorous financial management and control.

Investment Plan: The five-year Investment Plan for fiscal years 2011-12 to 2015-16 is part of the Commission's Financial Management Framework to align with the strategic, operational and financial planning cycle. It identifies new and existing assets, acquired services and projects essential to deliver the programs in order to meet the Commission's mandate. The Commission implemented business processes to ensure oversight in the implementation of investment decisions and appropriate ongoing measurement of investment performance.

In 2012, the five-year Investment Plan was approved and implemented in conjunction with related Treasury Board policies governing assets, acquired services and projects.

III) INTEGRATED HUMAN RESOURCES MANAGEMENT

Human Resources Planning: The Commission continued to stress effective HR planning to the greatest degree possible, notwithstanding a number of challenges. Measures have been implemented, such as trying to anticipate potential staff turnover, developing staffing strategies to help ensure knowledge is retained (e.g. through employee learning plans) and ensuring vacancies are filled as quickly as possible.

Staffing: The Commission is a micro-agency, and as such, one Commission employee may oversee several programs. Staffing delays result in increased costs to the Commission to back-fill the position, as well as the transfer of workload onto other employees who are already fully engaged in fulfilling their existing responsibilities.

The Commission examined innovative ways to reduce the cost and time involved in staffing a position while maintaining the existing robust Staffing Management Accountability Framework (SMAF) within the Commission, as confirmed through the Departmental Staffing Accountability Framework (DSAR). The Commission has been successful in increasing its efficiencies in staffing, by substantially reducing the time it takes to staff a position and reducing costs. By optimizing the internal staffing processes, the Commission was able to staff all vacant positions by May 2012 and has since retained 100% of the personnel in these positions.

Employee Recognition: Throughout the year, the Commission continued to recognize the efforts of its employees. During National Public Service Week in June 2012, the Chairperson hosted an awards and recognition appreciation ceremony. At this ceremony, a number of employees were publicly recognized for their contributions.

To further reinforce a positive working environment throughout the year the Commission also hosted staff events such as team building exercises and other activities to celebrate important milestones, work achievements and to recognize individual staff accomplishments. Such efforts were particularly important given the considerable additional workload staff members have been balancing due to the significant increased demands on the Commission. This year, Commission staff again contributed generously to the Government of Canada Workplace Charitable Campaign through fund raising events and other activities.

Public Service Employee Survey: In the fall of 2011, a survey of all public service employees took place to seek employee perceptions regarding leadership, workforce and workplace conditions, as well as to measure employee engagement, its drivers and its outcomes. The survey also identifies areas for improvement at the public-service-wide, departmental and organizational unit levels. One hundred percent (100%) of the Commission's employees completed the survey.

The results of the survey were received in February 2012. Among the highlights:

- Commission employees are highly engaged in their work and are supported by management with the appropriate tools and training;
- One hundred percent (100%) of employees feel they have input into decisions that affect their own work and that the Commission works hard to create a workplace that prevents discrimination; and,
- Commission employees have positive relationships with their co-workers, have confidence in senior management and know how their work contributes to the achievement of Commission goals.

It is worth noting the positive responses of Commission employees were generally above the Public Service average. The Commission developed an Action Plan to address survey results where appropriate. For example, as part of its commitment to ensure its workplace continues to remain free of harassment and discrimination, the Commission continues to encourage and foster an open and ongoing dialogue between managers and employees.

To further reinforce employee awareness of values and ethics, the Commission communicated the *Values and Ethics Code for the Public Sector* as well as the *Policy on Conflict of Interest and Post-Employment*, along with the Commission's own *Code of Values and Ethics*. Among other things, the Commission's *Code of Values and Ethics* reinforces Commission values of mutual respect, integrity, fairness, dedication, open and effective communication and professionalism.

IV) INTEGRATED RISK MANAGEMENT

In 2012, the Commission was challenged with several events which had an impact on its programs. Throughout the year, the Commission integrated a risk management approach, by analyzing impacts and developing mitigating strategies to ensure it operates efficiently and effectively. This included areas such as financial management, resourcing/staffing, capacity building, audits, media/public affairs and public interest hearings (PIH).

In 2012, the Commission updated its Integrated Risk Management Framework – Plans and Strategies to include new policies, requirements and audit recommendations into its risk profile. By doing so, the Commission is able to proactively mitigate risks by having pre-defined strategies. Where possible and feasible, the Commission conducts management reviews to identify gaps thereby, taking action to ensure appropriate steps are taken, in order to be proactive, rather than reactive.

V) INTEGRATED SECURITY, HEALTH AND SAFETY, AND BUSINESS CONTINUITY

The Commission strives to provide a healthy, safe and secure workplace through mandatory training, awareness and communiqués regarding its security and emergency programs, services and processes. As such, security and business continuity and emergency procedures are integrated throughout the Commission. Through prevention and awareness, the Commission is able to proactively respond to incidences or emergencies effectively while maintaining operational momentum.

In addition to the traditional security monitoring, the Commission focused on reviewing its IT security during the past year as cyber threats are viewed as an emerging risk. The Commission continuously increases its awareness of cyber threats both internally and externally. In addition to maintaining its own security, the Commission extends its awareness to home networks to prevent viruses from attacking personal computers or perpetrating identity theft, to name a few.

The Commission completed its IT modernization project, fully documenting the new system and revising its business continuity and IT security plans to reflect the new infrastructure and minimize risk.

The Commission continuously conducted tests and drills during hearings to ensure safety procedures adhered to the increased number of people attending. This included ensuring safety equipment is properly maintained, and personnel are trained in CPR and the use of the defibrillator.

VI) INTEGRATED INFORMATION TECHNOLOGY

Consistent with the Federal Government's innovations, the Commission continued to further modernize its information technology infrastructure and website. Progress on the IT projects would not have been made possible without the dedication and excellent services of the Commission's IT staff.

Standard on Web Interoperability: In 2012, the Commission advanced its work to adapt its website to comply with the new government standard. During the year, the Commission implemented the *Standard on Web Interoperability*, which is defined as the ability of different types of platforms, devices, networks, and applications to work together effectively, without prior communication, to find, retrieve, exchange and re-use Web content in a useful and meaningful manner.

Web Content Accessibility Guidelines (WCAG 2.0): In 2011, the Federal Court ordered the Government of Canada to make the websites of all institutions listed under Schedules I, I.1 and II of the *Financial Administration Act* compliant with the internationally recognized WCAG 2.0. The Commission completed the necessary actions to ensure full compliance with WCAG 2.0.

An external audit confirmed the Commission's website was one hundred percent (100%) compliant in the first phase of the project.

Electronic Document and Records Management Solutions (EDRMS): Following the IT and IM management reviews and the IM Audit, action plans were implemented to identify an EDRMS to best meet the requirements in all areas of the Commission in managing the lifecycle of electronic information, including litigation and case management files. This solution will be pursued in the coming year and beyond, based on the affordability of doing so.

VII) INTEGRATED INFORMATION MANAGEMENT

Library Collection: In 2012, the Commission's library implemented an extensive analysis of its collection. When available, the library endeavors to make use of electronic resources accessible on the internet and in other appropriate legal databases. This resulted in a streamlined electronic collection to better serve its needs, a reduction in the library's monetary spending on traditional books and other publications, as well as a reduction in floor space required to house the library collection.

Access to Information and Privacy: The number of requests under the *Access to Information Act* and *Privacy Act* increased due, in part, to the Afghan and the Fynes PIH. The Commission successfully met the 30-day response time limit for the majority of these requests. Due to the increased number of requests, it was necessary for the Commission to hire additional temporary resources to meet workload demands. In accordance with the requirements of the Treasury Board Secretariat, the Commission published summaries of completed access to information requests on its website, in both official languages.

As part of the process for the Fynes PIH, the Commission conducted a review of all exhibits, which encompassed over 18,000 pages.

VIII) GREENING INITIATIVES

The Commission supports the Federal Sustainable Development Strategy and related central agency policies and guidelines, such as the Green Procurement Strategy. The Commission also committed to specific "greening targets" in its Departmental Performance Report.

The Commission undertook other "greening" initiatives such as:

- reviewing and streamlining its library collection;
- identifying an electronic document and records management solution;
- adapting printing and Forest Stewardship Council (FSC) standard stationary needs to use more environmentally friendly recycled paper;
- increasing the use of scanning and e-mail; and,
- acquiring energy efficient appliances and electronic equipment.

The Commission will continue to seek and identify other opportunities to further "green" its activities.

IX) FIVE-YEAR BUDGET AND EXPENDITURE COMPARISON

In the 2012-13 fiscal year (FY), the Commission's revised total budget amounted to $8.8M. The revised budget consisted of the Commission's ongoing budget of $3.5M and special purpose funding of $5.3M.

The Treasury Board approved additional funding in FY 2008-09 for the Afghanistan PIH in the amount of $5M over a three-year period. The Afghanistan PIH continued longer than originally expected finishing in FY 2012-13.

In FY 2012-13, the Commission requested additional funds from the Treasury Board to fund for unexpected activities directly related to the ongoing Fynes PIH. The Commission received $3.5M in additional funding over a two-year period.

In 2012, the Commission received a multi-jurisdictional conduct review complaint and requested additional funding from the Treasury Board. The Commission received $1.7M over a three-year period.

ANNUAL REPORT 2012 – BUDGET TABLE

	Allocations		Expenditures (in $ thousands)				
Fiscal Year	Main Estimates	Total Authorities	Operations	Salaries	Employee Benefits	Total Expenditures	Unspent
2011-12	3,508	6,035	3,110	1,557	256	4,923	1,112
2010-11	4,685	7,020	5,073	1,341	241	6,655	365
2009-10	5,973	6,853	2,839	1,570	275	4,684	2,169
2008-09	3,434	4,882	2,159	1,468	240	3,867	1,015
2007-08	3,434	3,489	2,002	1,100	295	2,909	580

X) MANAGEMENT REVIEWS

Policy on Internal Control: The Commission conducted a management review to determine the level of compliance with the *Policy on Internal Control*. The Commission also implemented new controls in order to mitigate risks thus ensuring the effectiveness and efficiency of programs; operational and resource management; the reliability of financial reporting; and compliance with legislation, regulations, policies and delegated authorities.

Staffing Management Review: In 2012, the Commission completed its annual staffing management review which began in 2010-11 and examined compliance, trends, costs, length of time to staff, risks, and file management. The results of the review reinforced the Commission's staffing practices, and identified further opportunities to ensure all staffing actions continue to be managed and administered in accordance with applicable legislation and delegation of authorities.

XI) HORIZONTAL AUDITS

Core Control Audit: In 2011, the Commission participated in a central agency audit of core controls and received its final report in 2012. The purpose of this audit was to ensure the Commission's core controls over financial management are effective and in compliance with corresponding legislation, policies and directives. Areas examined included delegation of financial authorities, acquisition cards, contracting, hospitality, and travel.

The findings were positive in the majority of cases and underscored the Commission's proactive processes and procedures. A Management Action Plan (MAP) was developed to address the report's recommendations in such areas as expenditure initiation documentation, documentation in support of bid solicitations and contracting decisions, and employee leave transactions. Efforts were also made to reinforce staff training and awareness of new requirements in order to build more robust business procedures. The majority of the action items in the MAP were completed in 2012. The MAP can be found on the Commission's website.

The Commission respects the government's need for these new business procedures and controls. However, they are resource and time intensive, particularly for a micro-agency with relatively small dollar value expenditures compared to larger government departments. Notwithstanding an extremely busy year which challenged staff and limited resources, the Commission struggled to meet these new requirements. To the best of its ability, the Commission will continue to apply these required procedures within the context of its continuing need to ensure operational effectiveness.

XII) OUTREACH AND COLLABORATION

In 2012, the Commission continued its outreach and collaborative initiatives with the Military Police (MP) community, the military chain of command and other organizations within and outside government. These initiatives enabled the Commission not only to share information regarding its mandate and responsibilities, but also to discuss case examples and the Commission's findings and recommendations. In addition, the Commission was able to gain a further perspective from these groups with respect to issues faced by the MP and the larger Canadian Forces (CF) community.

Visits to Canadian Forces Bases across Canada

On an annual basis, the Commission meets with three primary audiences at CF bases across Canada in order to increase awareness of its mandate and activities, as well as to respond to any concerns about the complaints process. These audiences are:

- Members of the MP who are most affected by the process, whether as subjects of complaints or as potential complainants;
- The military chain of command, which relies on the services of members of the MP in the maintenance of military discipline but which must not interfere with police investigations; and,
- Those who may interact with the MP because they live, work or pass through a CF base. The Commission's connection to this group is often made through the Executive Directors and staff of the Military Family Resources Centres and Housing authorities at each base.

During 2012, representatives of the Commission visited seven CF bases making formal presentations and having informal discussions with attendees at the following locations across Canada:

- Montréal, Quebec
- St-Jean, Quebec
- Meaford, Ontario
- Trenton, Ontario
- Borden, Ontario
- Esquimalt, British Columbia
- Comox, British Columbia

Bases are selected from logistical and geographical aspects to help ensure the broadest access to these information sessions but, in particular, consideration is given to respecting and accommodating the demands associated with the significant operational realities at these bases.

The participants in the 2012 information sessions provided very positive feedback on the value of the presentations, the case examples used and the clarity of the Commission's responses to questions.

The Commission also made presentations at the Canadian Forces Military Police Academy's (CFMPA), Qualifying Level 5 training sessions, in Borden, Ontario to increase awareness of its mandate and processes. Four such presentations were made, attended by 24 participants at each session.

The Commission very much appreciates the efforts of the many individuals who organized, supported and participated in its outreach activities and its sessions at the bases and the CFMPA.

Faculty of Law of the University of Ottawa – Military Law Class

On February 8, 2012, the Commission's General Counsel and Senior Counsel made a presentation to the Military Law Class of the University of Ottawa Faculty of Law, providing background on the role of the Commission, its function and the types of complaints it investigates. Topics covered included the Commission's governing legislation, public confidence and trust, the rule of law, the purpose of oversight, the conduct and interference complaints process, selected case examples, and the Commission's proposals related to the Second Independent Review of the *National Defence Act*.

Military Police Symposium

On February 21, 2012, the Commission Chairperson and the General Counsel attended the Military Police Symposium in Cornwall, Ontario, and made a well-received presentation to MP Officers regarding the role of the Commission and its supporting complaints processes, with a special emphasis on interference complaints, as well as current issues of interest and concern.

Collaborative Working Relationships

In 2012, the Commission continued its ongoing discussions with the Canadian Forces Provost Marshal and Deputy Commander Canadian Forces Military Police Group/Professional Standards to address and resolve issues and even further strengthen the complaints resolution process.

The Commission also continued its mutually beneficial working relationships with other government departments and agencies, professional associations and intra-government affiliations.

Presentation by Chairperson to Adjudicators Conference

On November 22, 2012, the Commission Chairperson took part in the 10th Anniversary Annual Adjudicator and Prosecutions Seminar in Orillia, Ontario, as a guest speaker. He made a presentation to the conference participants regarding the role of the Commission and its complaints process, as well as current issues of concern.

Directorate of Defence Counsel Services, Office of the Judge Advocate General, Department of National Defence

On October 24, 2012, the Commission's Senior Counsel made a presentation regarding the role of the Commission and relevant issues at the Directorate of Defence Counsel Services (DDCS) training day for DDCS counsel. DDCS is dedicated to providing legal services to CF personnel who are suspected of or charged with offences under the *Code of Service Discipline*.

Professional Associations

The Commission continued to be involved with professional associations, such as the Canadian Association of Chiefs of Police (CACP), the Ontario Association of Chiefs of Police (OACP), the Canadian Association for Civilian Oversight of Law Enforcement (CACOLE), the Canadian Bar Association (CBA) and the Heads of Federal Administrative Tribunals Forum (HFATF).

CACOLE is a national non-profit organization of individuals and agencies involved in the oversight of police officers in Canada. It is dedicated to advancing the concept, principles and application of civilian oversight of law enforcement throughout Canada and abroad. CACOLE is recognized worldwide for its oversight leadership. The Commission Chairperson is a member of the Board of Directors of CACOLE.

The Commission's Chairperson, Glenn M. Stannard and other Commission representatives attended the CACOLE's annual meeting on May 28-29, 2012.

The CBA is a professional, voluntary organization which represents some 35,000 lawyers, judges, notaries, law teachers, and law students across Canada. Through the work of its sections, committees and task forces at both the national and branch levels, the CBA is seen as an important and objective voice on issues of significance to both the legal profession and the public. The Senior Counsel of the Commission is an Executive Member of the CBA's Military Law Section.

On June 8, 2012, the Commission's Senior Counsel made a presentation concerning the Commission and relevant issues to lawyer participants in the CBA's Military Law Section continuing legal education program.

The Chairperson of the Commission is a life member of both the CACP and the OACP and is a former president of the OACP.

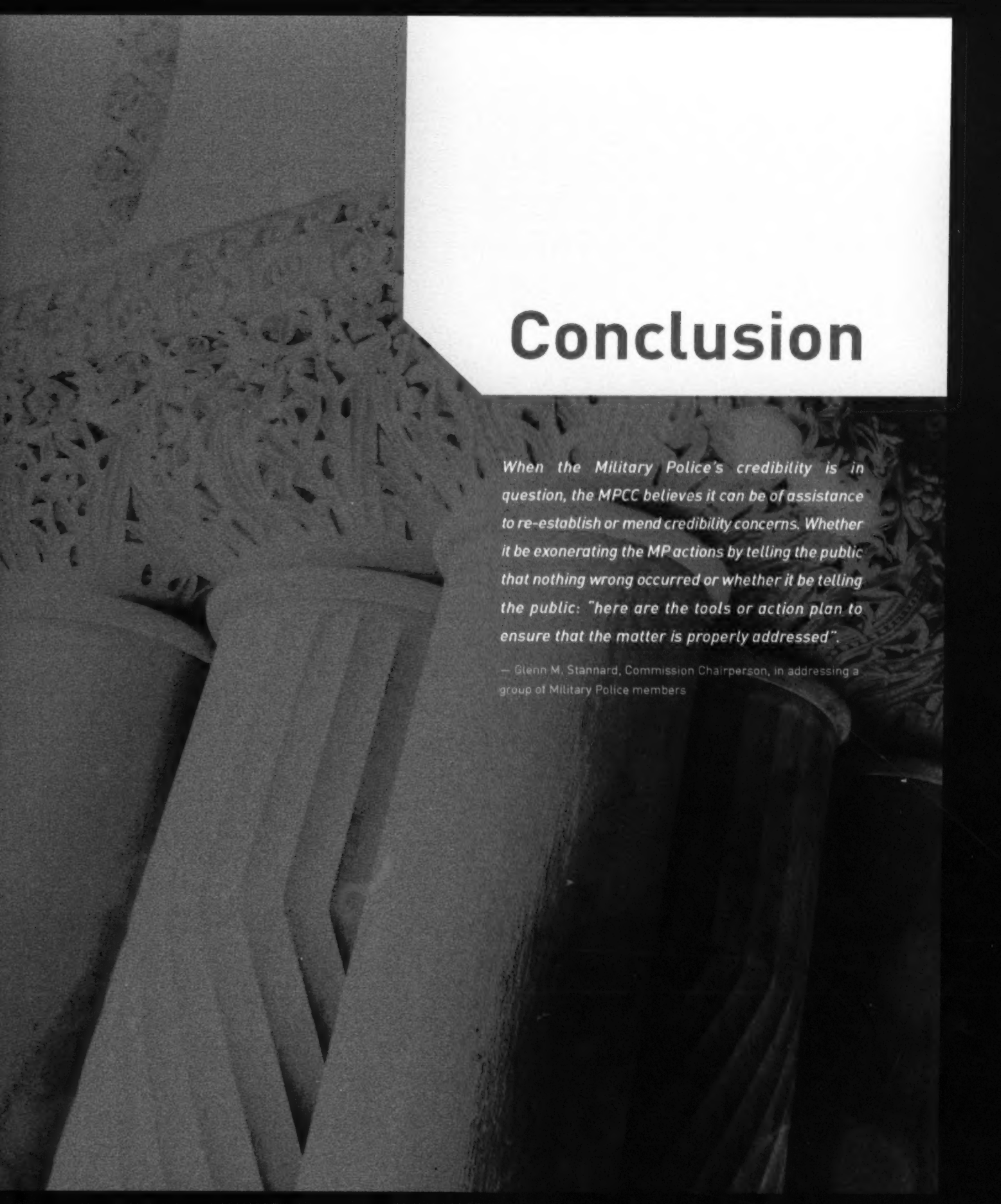
Intra-Government Affiliations

The Commission continued to participate in co-operative intra-government affiliations through its membership in a variety of Small Agencies' initiatives. These include the HFATF, the Personnel Advisory Group, the Small Agencies Financial Action Group, the Small Agency Administrators Network and the Association of the Independent Federal Institutions' Counsel.

XIII) MEDIA/PUBLIC RELATIONS

The Commission effectively met media and other public relations demands from within and outside government for information, particularly related to: the Afghanistan PIH and the associated Final Report issued on June 27, 2012; and the PIH into the complaint of Mr. and Mrs. Fynes regarding the MP investigations conducted after the death of their son, Corporal Stuart Langridge. Due to increased media requests for both the Afghanistan PIH and the Fynes PIH, the Commission was required to hire additional temporary resources to assist in communications.

The Commission continued to provide timely, open information through press releases, media advisories, backgrounders and other documents, including updates on its website and individually tailored responses, as required.



Conclusion

When the Military Police's credibility is in question, the MPCC believes it can be of assistance to re-establish or mend credibility concerns. Whether it be exonerating the MP actions by telling the public that nothing wrong occurred or whether it be telling the public: "here are the tools or action plan to ensure that the matter is properly addressed".

— Glenn M. Stannard, Commission Chairperson, in addressing a group of Military Police members

PART 4

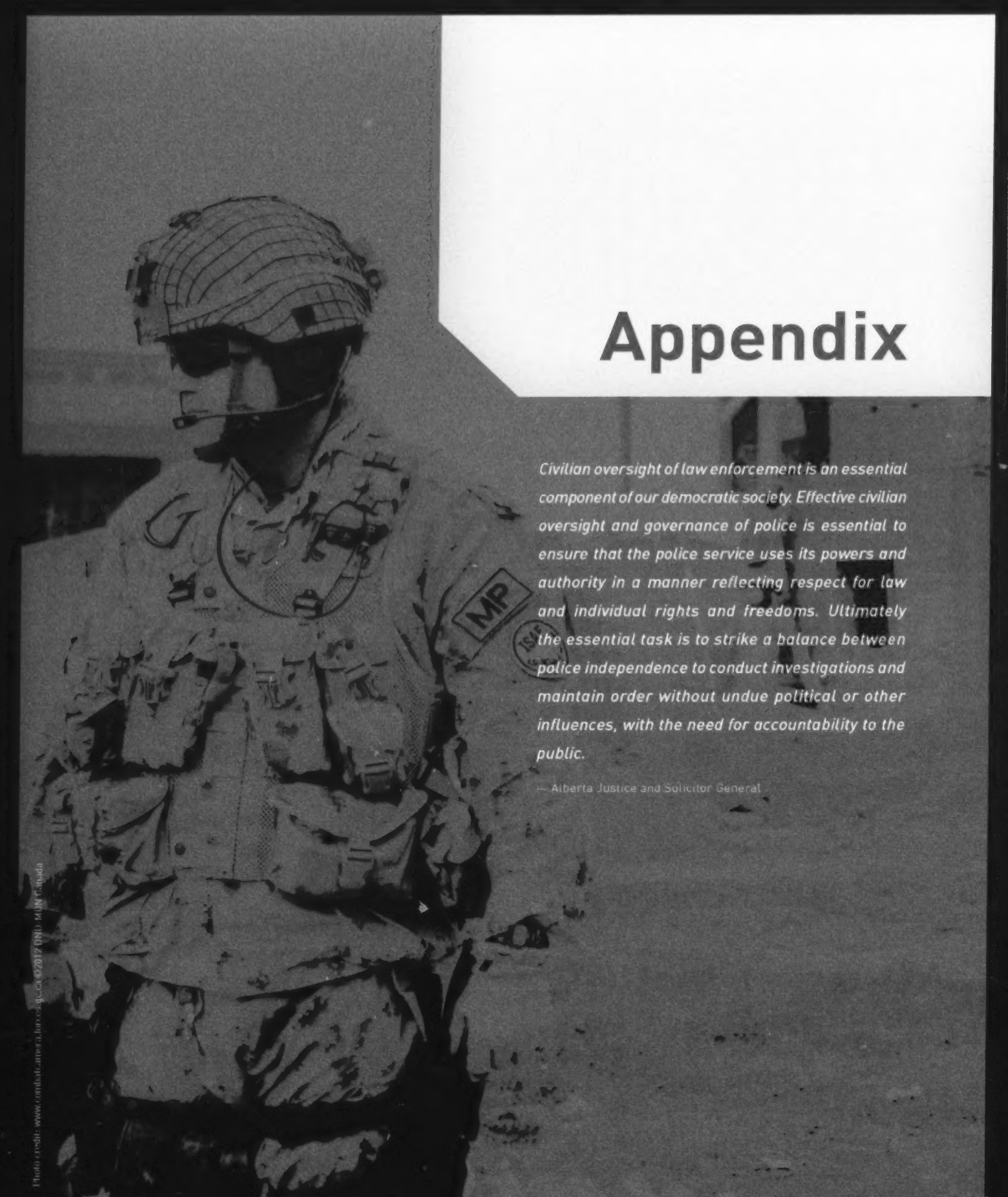
In the coming year, the Commission will continue to conduct fair and thorough investigations into conduct and interference complaints, and issue findings and recommendations aimed at promoting the highest standards of conduct of Military Police (MP) in the performance of policing duties and discouraging interference in any MP investigation.

The Commission will provide effective and sound management of its human and financial resources and assets, as well as ensure its compliance with applicable government legislation and policy requirements.

In early January 2013, the Commission will hear closing submissions by the Parties at the Fynes Public Interest Hearing.

The Commission will also continue to monitor the progress of Bill C-15, *Strengthening Military Justice in the Defence of Canada Act*, in the House of Commons and welcomes an opportunity to provide input into the development of new legislative initiatives relative to the Commission and its mandate following the LeSage Report.

The Commission looks forward, in the coming year, to working collaboratively with the National Defence leadership, the Canadian Forces Provost Marshal, the chain of command, and the MP community, as well as our partners and stakeholders in advancing common goals.



Appendix

Civilian oversight of law enforcement is an essential component of our democratic society. Effective civilian oversight and governance of police is essential to ensure that the police service uses its powers and authority in a manner reflecting respect for law and individual rights and freedoms. Ultimately the essential task is to strike a balance between police independence to conduct investigations and maintain order without undue political or other influences, with the need for accountability to the public.

— Alberta Justice and Solicitor General

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BIOGRAPHY OF COMMISSION CHAIRPERSON

Glenn M. Stannard
Chairperson

Born, raised and educated in Windsor, Ontario, Mr. Stannard served with its city police service for 37 years. During this time, he was promoted through the ranks and has worked in all divisions of the service. In August 1995, Mr. Stannard was promoted to Deputy Chief of Police, Administration. His dedication to the city and its citizens was recognized in 1999 with his appointment as its Chief of Police, a position which he held until his retirement in February 2008. Mr. Stannard is also a former president of the Ontario Association of Chiefs of Police (OACP) and lifetime member of the OACP and of the Canadian Association of Chiefs of Police. In 2003, he was invested into the Order of Merit of the Police Forces by Her Excellency, the Governor General of Canada and he received the Queen's Jubilee Award in 2005.

Mr. Stannard was appointed as a part-time Commission Member in September 2007 and as the Commission Interim Chairperson in December 2009. He was subsequently appointed full-time Chairperson in June 2010. In addition to his CEO duties, Mr. Stannard was a Panel member in the Afghanistan Public Interest Hearing (PIH) and presides over the Fynes PIH into the conduct of Military Police investigations related to the death of Corporal Stuart Langridge. Mr. Stannard has rendered decisions on numerous conduct and interference complaint files.

BIOGRAPHIES OF COMMISSION MEMBERS

Roy V. Berlinquette
Commission Member

Roy V. Berlinquette, a recognized team builder with 36 years of public service with the Royal Canadian Mounted Police emerged from an entry-level position to senior executive levels in corporate, operational and administrative areas to Deputy Commissioner of the North West Region.

Mr. Berlinquette has acquired a wealth of knowledge and experience in his numerous years of dealing with government officials at municipal, provincial and federal levels, as well as positive relations at the international level.

His recent accomplishments include being a six year member of the Office of the Oversight Commission on the Reform of the Police Service of Northern Ireland, and researcher and co-author of the Jerusalem Old City Security Initiative. He has been a principal of a consulting company specializing in risk management, comptrollership and investigations in Ottawa.

Mr. Berlinquette was appointed as a Member of the Commission in May 2007. Since that time, he has served as a Panel member on the Afghanistan PIH and has rendered decisions on numerous conduct and interference complaint files.

Steven Chabot
Commission Member

Mr. Chabot's 33 year career in the Sûreté du Québec police force includes patrol, investigative and senior executive experience. He was successively appointed Captain in charge of Carcajou Squad, Assistant Deputy Director General and Deputy Director General in various branches of the Sûreté du Québec. He has acted as an advisor to the Quebec government on questions pertaining to public security and has a keen interest in the professionalization of police forces and professional ethics. In 2006, Mr. Chabot was invested into the Order of Merit of the Police Forces by Her Excellency, the Governor General of Canada, and he was elevated in this Order to the rank of Commander in 2010. Mr. Chabot retired from the police force in 2010.

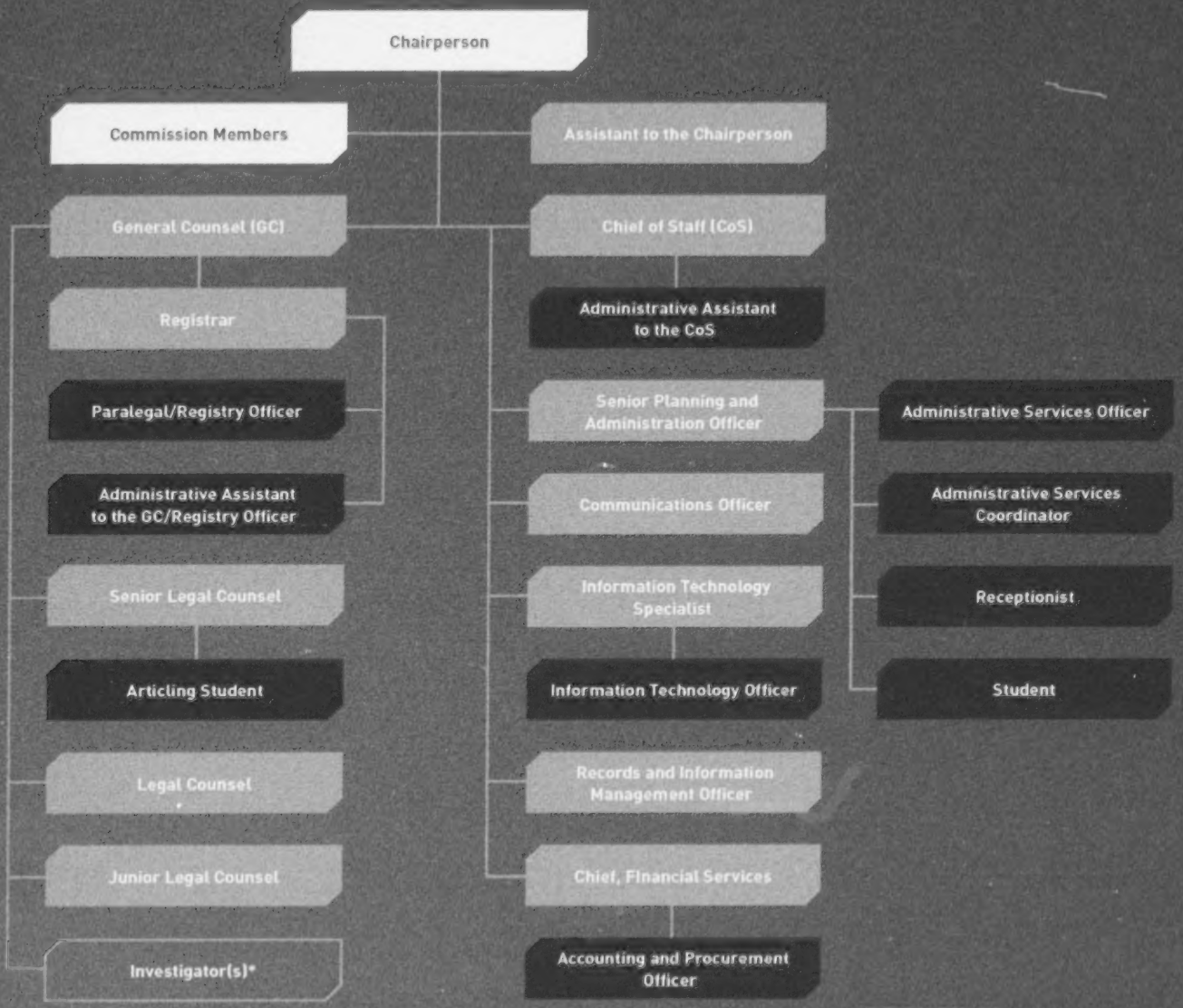
Mr. Chabot holds a master's degree in Public Management from the École nationale d'administration publique (ÉNAP) and is fluent in both French and English. He was appointed as a Member of the Commission in December 2011.

Hugh R. Muir
Commission Member

Mr. Muir has been in policing for 40 years. He graduated from the Ontario Police College in 1972 and attended the Toronto Police College and the Ontario Police College for further training. Mr. Muir was sworn in with the Toronto Metro Police Department in 1971 and served with the Force until 1979. He then served with the Town of Stellarton, Nova Scotia, where he was promoted through the ranks in different divisions up to the rank of Acting Chief of Police, a position he held until his retirement in December 2011. He was invested as a Member of the Order of Merit for the Police Forces in 2007.

Mr. Muir is an active volunteer in the County of Pictou, Nova Scotia. He was appointed as a Member of the Commission in December 2011.

Organization Chart



* Investigators are hired on a contractual basis.

How to reach the Commission

Call our information line:
613-947-5625 or toll-free at 1-800-632-0566

Send us a fax:
613-947-5713 or toll-free at 1-877-947-5713

Send us a letter:
Military Police Complaints Commission
270 Albert Street, 10th floor
Ottawa, ON K1P 5G8

Visit us at the above address for a private consultation – appointment recommended.

Send us an email:
commission@mpcc-cppm.gc.ca

Note: Please do not send confidential information via email; we cannot guarantee the security of electronic communications at this time.

Visit our website:
mpcc-cppm.gc.ca

Media inquiries:
613-944-9349 or media@mpcc-cppm.gc.ca